

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

RAYMOND R. GADREULT,	:
	:
Plaintiff,	:
	:
v.	: Docket No. 2:20-CV-83
	:
JUDGE ROBERT BENT, JENNIFER	:
BARRETT, PHIL DANIELSON, WALTER	:
SMITH, RICHARD BERLANDY, DEBRA	:
MUNSON, PHIL SCOTT, EDWARD	:
FOURNIER, PAT FRAWLEY, JIM	:
BAKER and NICHOLAS DEML,	:
	:
Defendants.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed March 3, 2022. After careful review of the file and the Magistrate Judge's Report and Recommendation, and with no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report. The Plaintiff's Motion for Leave to File a Second Amended Complaint (Doc. 9) and Motion to Add an Additional Defendant (Doc. 11) are DENIED.

On March 14, 2022, a certificate of Plaintiff's death was entered on the Court's docket. Plaintiff's death does not automatically extinguish his claims. See *Chobot v. Powers*, 169 F.R.D. 263, 265-66 (W.D.N.Y. 1996). Pursuant to Federal

Rule of Civil Procedure 25(a)(1), “[a] motion for substitution may be made by any party or by the decedent’s successor or representative. If a motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Accordingly, the Office of the Clerk of Court is ordered to withhold entry of final judgment for 90 days from the date of this Order. If no motion for substitution is filed within that time, the case must be dismissed. As the case is also ready for dismissal on the merits, any substituted party must show cause why final dismissal is not warranted.

Dated at Burlington, in the District of Vermont, this 29th day of March 2022.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge